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May 4, 2007

Ms. Tammy Moore
U.S. Environmental Protection Agency Region V
77 West Jackson Boulevard, DE-9J
Chicago, IL 60604-3507

Re: Request for RCRA Information (April 20, 2007)
WPSC Yorkville and Martins Ferry Plants

Dear Ms. Moore,

Our responses to the referenced USEPA's information requests for our Yorkville and Martins Ferry plants are being sent to you today under separate cover.

Wheeling-Pittsburgh Steel Corporation ("WPSC") respectfully objects to USEPA's Request for Information and Preliminary Assessment / Visual Site Inspection ("Request") on the basis that USEPA lacks statutory authority to initiate RCRA corrective action at these WPSC facilities. USEPA's RCRA corrective action authority is statutorily limited to hazardous waste Treatment, Storage or Disposal Facilities ("TSDF's") (42 U.S.C. §§ 6924(u)-(v), 6925(c), 6928(h) and 6934). WPSC is not and never has been the owner or operator of a RCRA hazardous waste treatment, storage, or disposal facility at these locations.

Based on Thomas M. Williams' letter to Kenneth S. Komoroski, counsel for WPSC, dated May 8, 2007, it is WPSC's understanding that USEPA is seeking the requested information pursuant to its authority under RCRA § 3007. WPSC is, therefore, responding to USEPA's Request solely based on WPSC's status as a generator of hazardous waste. By submitting this response to USEPA's Request, WPSC does not waive any argument that USEPA lacks the statutory authority to initiate RCRA corrective action at any WPSC facility. WPSC expressly reserves its right to object and does object to any attempt by USEPA to impose corrective action authority.

Therefore, in light of USEPA's recent renewal of the Multi-Media inspection and the RCRA related issues discussed with USEPA in two meetings in 2006, our responses to the information requests in your letter of April 20, 2007 are provided in that context. We believe we have demonstrated our continued desire to cooperate with USEPA and to provide relevant information to agency personnel since the initiation of the Multi-Media inspection in 1999. We endeavour to continue such cooperation whenever possible and applicable.

Please let us know if we can be of further assistance in this matter.

Sincerely,

Bud E. Smith

cc: Ken Komoroski (K&L Gates)
Pamela Lee / USDOJ
ECSF
ECMF 1.4.3.6.2